THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.24797 OF 2007.

Date: 24.12.2007.

Between:

Chebrolu Hari Prasada Rao Chowdary,
S/o.Late Venkatyaratnam, aged 64 years,
R/o.Stambalagaruvu, Guntur.

…Petitioner.

AND

The Superintendent of Police,
Guntur, Guntur District and two others.

…..Respondents.

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WRIT PETITION No.24797 OF 2007.

ORDER:

In this Writ Petition, the petitioner seeks declaration by way of *Mandamus,* to declare the action of respondent No.2 in insisting to settle the civil dispute between the petitioner and respondent No.3 and to pay an amount of Rs.15,00,000/- to respondent No.3 as illegal and arbitrary.

The petitioner claims to be the owner and possessor of the land in an extent of 750 square yards covered by Survey No.258 and 256, in the municipal limits of Guntur. Alleging that the petitioner entered into an agreement to sell the above said extent by receiving an amount of Rs.93,750/-, respondent No.3 filed suit in O.S.No.1689 of 2005, on the file of the Additional Junior Civil Judge, Guntur, seeking perpetual injunction orders.

The petitioner is contesting the said suit. It is stated that though an agreement was entered into, but it was given as a security and the same was not acted upon to transfer the property.

In this Writ Petition, the grievance of the petitioner is that when such dispute is pending consideration and during the pendency of the suit filed by respondent No.3, there is interference by respondent Nos.1 and 2 to settle the matter with regard to the

civil dispute *interse* the petitioner and respondent No.3 and they are insisting for payment of an amount of Rs.15,00,000/- to respondent No.3.

This Court, at the stage of admission, issued notice to respondents by order, dated 22.11.2007. In response to the same, respondent No.2 filed counter affidavit. While generally denying various allegations levelled by the petitioner, in the counter affidavit, it is categorically stated as follows:

> "...The allegation of the petitioner that this respondent threatened him saying that irrespective of the pendency of the suit, he has to pay the amount of Rs.15,00,000/- or else false case would be booked against him and put him behind the bars and this respondent directed the petitioner to say yes or no by Monday is false and hence denied."

Though there is an allegation that respondent No.2 is interfering and insisting for payment of Rs.15,00,000/- for settlement of the dispute between respondent No.3 and the petitioner, however except the said allegation there is no other material to accept the same. Moreover, there is a categorical denial in the affidavit filed by respondent No.2.

In view of the averment in the counter affidavit,
I dispose of the Writ Petition recording the said averment of respondent No.2 on record. However, it is made clear that
if there is any further complaint of interference by respondent No.2, it will be viewed seriously.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

R.SUBHASH REDDY, J.

Date: 24.12.2007.

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